IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA (Norfolk Division)

STEPHANIE A. BROWN,) }	
Plaintiff,		
v.	Case No.:	3:20-cv-762
NIKLOADS, LLC. a Georgia corporation)))	
and		
JOSHUA HULSEY	,))	
Defendants.)))	

NOTICE OF AND PETITION FOR REMOVAL

Defendant JOSHUA HULSEY ("Defendant"), by counsel, and pursuant to 28 U.S.C. §1441 et. seq., hereby files this Notice of and Petition for Removal of this action from the Circuit Court for the City of Portsmouth, Virginia, in which it is now pending, to the United States District Court for the Eastern District of Virginia, and in support thereof, respectfully avers as follows:

1. Nikloads LLC, and Joshua Hulsey have been named Defendants in a suit filed in the Circuit Court for the City of Portsmouth, Virginia, Case No.: CL20-3316. Suit was filed on August 10, 2020 and Defendant Hulsey was served with Summonses and the Complaint through the Commissioner of the DMV on September 1, 2020.

- 2. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Defendants seek to 12move this action to this Court under Title 28 U.S.C. §1441(a).
- 3. Copies of the Complaint and of Defendants' Answer and Affirmative Defenses as filed in the Circuit Court for the City of Portsmouth, Virginia are attached as **Exhibit 1** and **Exhibit 2**, respectively.
- 4. The above-entitled matter is a civil action in which the Plaintiff alleges negligence against Defendants in connection with a vehicular crash that occurred on January 27, 2020.
- 5. Defendants are entitled to removal because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000.
 - 6. Plaintiff is a Virginia resident. See Exhibit 1, Complaint, ¶ 1.
 - 7. Joshua Hulsey is a resident of Temple, Georgia.
- 8. Nikloads, LLC is a limited liability corporation organized and existing under the laws of Georgia, with its principal place of business in Douglasville, Georgia.
- 9. Plaintiff's Complaint seeks damages of \$750,000 and Plaintiff has demanded a trial by jury.

WHEREFORE, Petitioner/Defendant, Joshua Hulsey respectfully requests that the aboveentitled action be removed from the Circuit Court for the City of Portsmouth, Virginia to the United States District Court for the Eastern District of Virginia.

Respectfully submitted this 29th day of September 2020.

JOSHUA HULSEY,

By Counsel,

/s/ Lindsey A. Lewis, Esq. (VSB #73141) Michael T. Essig, Esq. (VSB #76697) FRANKLIN & PROKOPIK, P.C. 5516 Falmouth Street, Ste. 203 Richmond, Virginia 23230 Telephone: (804) 932-1996 Facsimile: (804) 403-6007 llewis@fandpnet.com messig@fandpnet.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September 2020 I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which (if counsel has registered with CM/ECF) will then send a notification of such filing (NEF) to the following:

John E. Basilone, Esq. (VSB #28851) GOSS & FENTRESS, PLC 735 Newtown Road, Suite 100 Norfolk, Virginia 23502 Telephone: (757) 466-1095 Facsimile: (757) 461-4670 Counsel for Plaintiff

I hereby further certify that a true and accurate copy of the foregoing Notice of Removal was served, via U.S. Mail, postage prepaid, this 29th day of September 2020 upon:

John E. Basilone, Esq. (VSB #28851) GOSS & FENTRESS, PLC 735 Newtown Road, Suite 100 Norfolk, Virginia 23502 Telephone: (757) 466-1095 Facsimile: (757) 461-4670 Counsel for Plaintiff

Michael T. Essig